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10/710,711	07/29/2004	Aaron DeLong	MASLIAC-50	4710
26875 7590 01/11/2008 WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			EXAMINER PAPE, JOSEPH	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/710,711
Filing Date: July 29, 2004
Appellant(s): DELONG ET AL.

Randall S. Jackson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/24/07 appealing from the Office
action mailed 11/15/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2003/0122392	Larsen et al.	7-2003
3,827,772	Johnson	8-1974
6,811,197	Grabowski et al.	11-2004
4,548,211	Gaus	10-1985

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 8 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soeters in view of Larsen et al.

Soeters discloses the claimed invention including housing 21, 22, power contact 50, latching mechanism 54 and a transport device comprising the curved bottom, rear housing edge as shown in Figure 1.

Soeters does not disclose the specific transport device including a strap which is removable.

Larsen et al. disclose a console member of a vehicle with a removable strap 51 for selective attachment to the console member and removal of the console member from the vehicle.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the console of Soeters with an additional transport device comprising a removable strap as taught by Larsen et al. for selective attachment to the console member and removal of the console member from the vehicle.

Re claims 11 and 12, the removable strap of Soeters, as modified, includes two anchor points, one at each end of housing 21,22.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 8 above, and further in view of Johnson.

Soeters, as modified, discloses the claimed invention including a latching mechanism including a power contact. Soeters, as modified, sets forth in column

2, lines 34-35, that "various electrical components" may be mounted within the console.

Soeters, as modified, does not disclose a specific electrical component mounted within the console which includes a built into the housing speaker associated with the electrical component.

Johnson discloses a vehicle console with an electrical component mounted within the housing thereof and connected to the speaker assembly 32. The device and speaker system of Johnson inherently includes "sound contacts" between the electrical component and the speaker as broadly as recited.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the console of Soeters, as modified, with an electrical device therein connected to a built in speaker as taught by Johnson for enhanced function of the electrical supply within the console. The sound contact of Soeters, as twice modified, is considered to be capable of "cooperating with the vehicle to provide sound to the vehicle" in that it is supported indirectly by the vehicle in a cooperative manner.

Re claim 10, the latching mechanism of Soeters, as twice modified, includes a power contact (not a sound contact; the sound contact is not required by the "at least one" phrase) and the sound contacts are considered to "cooperate with sound contacts of the vehicle" in that the sound contacts of the electrical component and the speaker are considered to be "of the vehicle" as broadly as recited.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 8 above, and further in view of Grabowski et al.

Soeters, as modified, disclose the claimed invention except for the use of a battery for the console electronics and a plug thereon for other devices.

Grabowski et al. disclose a console housing which uses battery power for its electronics and includes power outlet 30.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the console of Soeters, as modified, with battery power and to provide the console with a plug on the housing for other devices as taught by Grabowski et al. for an enhanced power source for the electronics of the console and for other devices.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 8 above, and further in view of Gaus and Johnson.

Soeters, as modified, disclose the claimed invention except for a thermoelectric cooling device and a radio.

Gaus discloses a console with a first compartment having a thermoelectric cooling device.

Johnson discloses a console with a radio.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the console of Soeters, as modified, with a cooling device as taught by Gaus for keeping certain items within the vehicle cold. Further, it would also have been obvious to provide the console of Soeters, as twice modified, to include a radio as taught by Johnson for communication purposes.

(10) Response to Argument

Applicant's arguments filed 9/24/07 have been fully considered but they are not persuasive.

Regarding claims 8 and 11-12, Appellant argues that "Soeters fails to disclose a multipurpose console having a housing with a latching mechanism fixedly secured to a lower surface of the housing. Soeters discloses latching mechanism 54 which is fixedly secured to a lower surface of the walls of the housing. Reference column 3, lines 1-4. Appellant further argues that it would not have been obvious to provide the console of Soeters with a strap as taught by Larsen et al. because Larsen et al. does not teach that a "multipurpose console having a power contact and configured to engage a mounting mechanism on a vehicle should be removed from a vehicle and transported with a transport device (such as a removable strap). This argument is pointing out that Larsen et al. does not disclose all of the claimed features taken alone. It is

the combination of Soeters and Larsen et al. that is relied upon to reject claims 8 and 11-12. The Soeters reference teaches a multipurpose console having a power contact and configured to engage a mounting mechanism on a vehicle can be removed from a vehicle and transported with a transport device comprising the curved bottom, rear housing edge shown in Figure 1. The teaching reference Larsen et al. is relied upon to teach that once a vehicle "console" device is removed from the vehicle it can be transported by a strap device. The combination of these references meets that claimed invention and it would have been obvious for the reasons given in the rejection above.

Regarding claims 9 and 10, Appellant argues the feature of a sound contact as part of the latching mechanism. Claim 10 recites "wherein the latching mechanism includes at least one of the power and sound contacts". Since the phrase "at least one" requires only one of the two features, Examiner has relied upon Soeters, as twice modified, to disclose the power contact associated with the latching mechanism. This interpretation of claim 10 renders Appellant's arguments concerning a sound contact associated with the latching mechanism to be moot.

Regarding claim 13 and 14, Appellant argues that the battery of Soeters, as twice modified, would not be removable and that it would not be rechargeable by the power contact. The term "removable" is taken broadly to be able to be removed. While removing the battery of Soeters, as twice modified, may be

cumbersome, it is still able to be removed. Further, the battery taught by Grabowski et al. is a battery for a hybrid type vehicle (see column 3 paragraph 1) which infers that it is rechargeable. Finally, in the same manner that Appellant's rechargeable battery requires an inverter for use, that battery of Soeters, as twice modified, is also considered to require an inverter.

Regarding claim 15, appellant argues that the rejection of claim 15 is in error but provides no further specific reasons as to exactly why the rejection of claim 15 is in error other than for the reasons already presented. These reasons have been addressed above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Joseph Pape/

Conferees:

Meredith Petravick /mcp/

Glenn Dayoan /dgd/